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REMARKS

Reconsideration and further examination of this application is respectfully requested. Claims 1-17 were originally presented for examination. Claims 1 and 12 have been amended. Claims 2, 3, 10, 11 and 17 have been cancelled without prejudice. Claims 4-9, 13-16 are presented without further amendment.

The Examiner rejected claims 1, 4, and 6 under 35 U.S.C. 103(a) as being unpatentable over Norsworthy (US 6,144,402) et al. in view of Ahmed et al. (US 6,519,773)

With respect to claim 1, it has been amended first to recite "data" as opposed to "video data." Support for the change in this broadened limitation can be found in the specification on page 1, lines 25-34.

Second, claim 1 has been amended to recite providing or transmitting "data immediately upon demand." Support for this limitation can be found in the specification on page 2, lines 24-27 where it recites, "The advantages of the present invention are that a user can access one or more large databases of information such as video data that the user can select and display, listen or otherwise use in accordance with the user's schedule. For example, the user may be able to select a particular movie and have that movie displayed immediately or at any desired start time." (emphasis added)

Finally, claim 1 has been amended to recite "managing said managed network to control the delivery of requests for data and response to requests for data through said cable system immediately upon demand." Support for this limitation can be found on page 6, lines 10-25 where it states "The present invention, translates data from an IP transport system, such as used by the managed IP network, into a MPEG transport system for transmission from the head end (cable system provider) 21 to a cable subscriber over cable 40. In that fashion, the data is provided to the subscriber as standard MPEG-2 compressed data packets and can be delivered using the standard MPEG transport system of head end 21, in the same fashion as the other video data is delivered to the subscriber from the head end.

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The manner in which data is provided from content servers 60, 62, 64 at the request of the cable user in an on-demand fashion is described as follows. When a content server such as content server 60 receives a request (as described below) for a particular data file, such as a particular movie, the content server 60 begins the transfer of that data to the managed IP network 66 as compressed MPEG-2 video data using an IP transport mechanism. The managed IP network 66 is capable of transferring the data through the managed IP network 66 using RTP, UDP, and IP protocols, as set forth above. This allows the data to be transferred through the managed IP network 66 with a guaranteed quality of service which is at least sufficient to allow broadcast quality video to be transmitted to the head end 21." (emphasis added)

The Examiner has argued that Norsworthy uses a managed network through a telecommunications network to transmit request without going to the head end. This is very different from the managed network of claim 1 as amended which specifically recites managing request through a cable system. The Examiner goes on to state that Ahmed et al. teaches a configuration where a modem communicated through a cable system without the information going through the head end at figure 1B, column 4, lines 40-67 and column 5 lines 1-67. The Examiner concludes that it would be obvious to one of ordinary skill in the art at the time the invention was made to modify Norsworthy's system so that the telecommunication network was a cable systems as taught by Ahmed.

It is axiomatic that the prior art reference or references when combined must teach or suggest all the claimed limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must be found in the prior art and not based on Applicant's disclosure. MPEP 706.02 (j)

With all due respect to the Examiner, neither Norsworthy or Ahmed considered individually or in combination teach a system or method that allows the cable system user to receive data from a provider through a cable system immediately upon demand utilizing a managed network to control the delivery of requests for data and response to requests for data through said cable system immediately upon demand. These limitations are not mentioned in either reference, therefore, no suggestion of the combination could possibly be made. In fact Norsworthy on page 6, lines 51-56 only teaches dispatched the

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delivery or scheduling information to the user via modem or telephone as well as the particular channel and date to tune to for receipt of the requested information. It had been previously stated on page 4, lines 62-64, "The wait for this information suffered by the user is frustrating, particularly when several iterations are required before the complete information is received." The only combination of these limitations are taught and claimed by the Applicant. Therefore, in view of the foregoing discussion, the Applicant submits claim 1 is now in condition for allowance and such action is respectfully made.

With respect to claim 4 and 6 also rejected under 35 U.S.C. 103(a) as being unpatentable over Norsworthy (US 6,144,402) et al. in view of Ahmed et al. (US 6,519,773) these claims are dependent claims of claim 1 and incorporate all the limitations discussed hereinabove and are now in condition for allowance and such action is respectfully made.

The Examiner rejected claims 5, 7-9 under 35 U.S.C. 103(a) as being unpatentable over Norsworthy (US 6,144,402) et al. in view of Ahmed et al. (US 6,519,773) and further in view of Mimura (US 6,785,733). The Applicant respectfully submits that combining Mimura with Norsworthy and Ahmed does not overcome the Examiner's duty to make 103(a) rejections utilizing prior art reference or references when combined which teach or suggest all the claimed limitations. Claim 5 is a dependent claim of claim 1 and as such claims 7-9 are also dependent claims which depend from claim 5 wherein all these claims incorporate the limitations of the parent claim 1. The Mimura reference can not be relied on to supply or suggest the limitations of claim 1 which require a system or method that allows the cable system user to receive data from a provider through a cable system immediately upon demand utilizing a managed network to control the delivery of requests for data and response to requests for data through said cable system immediately upon demand. It neither teaches nor suggests such limitations. Therefore, in view of the foregoing discussion the Applicant submits claims 5, and 7-9 are now in condition for allowance and such action is respectfully made.

The Examiner rejected claims 12-16 under 35 U.S.C. 103(a) as being unpatentable over Norsworthy (US 6,144,402) et al. in view of Mimura (US 6,785,733). With respect to claim 12 it has also been amended to recite the limitations of providing or

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transmitting "data immediately upon demand." In addition claim 12 has been amended to recite the limitation that a managed network is coupled to said content server to control the delivery of requests for data and response to requests for data through said cable system immediately upon demand. Again, the deficiencies of Norsworthy can not be overcome by combining the Mimura reference because Mimura does not teach or suggest these limitations as claimed. As stated earlier, the Mimura reference can not be relied on to supply or suggest the limitations of claim 12 which require a system or method that allows the cable system user to receive data from a provider through a cable system immediately upon demand utilizing a managed network to control the delivery of requests for data and response to requests for data through said cable system immediately upon demand. It neither teaches nor suggests such limitations. Claims 13-16 are dependent claims to the parent claim 12 wherein all these claims incorporate the limitations of the parent claim 12. Therefore, in view of the foregoing discussion, the Applicant submits claim 12 is now in condition for allowance and such action is respectfully made.

Respectfully submitted,

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